

# MOORE & VAN ALLEN, PLLC

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December 30, 1997

## VIA FEDERAL EXPRESS

Secretary Vernon A. Williams  
Surface Transportation Board  
1925 K Street, NW  
Suite 700  
Washington, DC 20423

RECORDATION NO. 21131 FILED

JAN 2 '98

9-22 AM

RECEIVED  
SURFACE TRANSPORTATION  
BOARD  
JAN 2 9 22 AM '98

**RE: Recordation of Memorandums of Lease Agreements dated December 19, 1997**

Dear Mr. Secretary:

Enclosed for recordation pursuant to the provisions of 49 U.S.C. Section 11301(a) are two (2) original Memoranda of Lease Agreement, dated December 19, 1997. Each is a primary document as defined in the Board's Rules for the Recordation of Documents.

A description of the railroad equipment covered is set forth on Schedule I attached hereto. Also enclosed is a check in the amount of \$24.00 payable to the order of the Surface Transportation Board covering the combined recordation fees.

Please return one (1) stamped original to me in the enclosed Business Reply Mail envelope. If you have any questions regarding these documents or this matter, please do not hesitate to contact me at (704) 331-2444.

Respectfully,

MOORE & VAN ALLEN, PLLC



Stephen D. Pillow  
Legal Assistant

sdp

Enclosures

cc: Robert I. Kenny, Esq. (without enclosures)

## **SCHEDULE I**

### **DESCRIPTION OF EQUIPMENT (December 19, 1997)**

DESCRIPTION OF UNITS: 50 - 73" Long, 286,000 lb. gross rail load center beam lumber cars

REPORTING MARKS: NOKL

CAR NUMBERS: 733800 - 733849

RECORDATION NO. 21131 FILED

JAN 2 '98 9-22 AM

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE dated as of December 19, 1997, is between FIRST UNION ~~RAIL~~ <sup>COMMERCIAL</sup> CORPORATION, not in its individual capacity, but solely as Owner Trustee, as lessor ("Lessor"), and DESTICON TRANSPORTATION, INC., as lessee ("Lessee").

WHEREAS, the Lessor and the Lessee have entered into that certain Lease Agreement dated as of December 24, 1997 (the "Lease Agreement") as supplemented by Rider No. 1 dated as of December 24, 1997 (the "Rider;" the Lease Agreement as supplemented by the Rider, being referred to herein as the "Lease") between the Lessor and the Lessee, and place under lease 50 railcars bearing the car numbers as set forth on Schedule 1 attached hereto, and all additions thereto, alterations thereof, replacements thereof and substitutions therefor;

IN WITNESS WHEREOF, the parties wish to show for the public record the aforesaid Lease, and accordingly have caused this Memorandum of Lease to be executed by their officers thereunto duly authorized, as of the date first above written. This memorandum may be executed in counterparts, each such counterpart shall be binding on both parties hereto, notwithstanding that both parties are not signatories to the same counterpart.

FIRST UNION ~~RAIL~~ CORPORATION, as Lessor  
COMMERCIAL *LM*

By: Linda H. Minter  
Name: LINDA H. MINTER  
Title: VICE PRESIDENT

DESTICON TRANSPORTATION, INC.,  
as Lessee

By: JADE M. STEVENSON  
Name: JADE M. STEVENSON  
Title: PRESIDENT

STATE OF North Carolina

COUNTY OF Mecklenburg

ss:

The foregoing Memorandum of Lease Agreement and Lease Supplement No. \_\_\_\_\_ was acknowledged before me, the undersigned Notary Public, in the County of Mecklenburg this 30<sup>th</sup> day of December, by Linda H. Minter, as Vice President of FIRST UNION BANK CORPORATION, as Lessor, on behalf of the Lessor.

COMMERCIAL

[Notarial Seal]

LISA KNOX CARVER  
NOTARY PUBLIC  
IREDELL COUNTY, N. C.

Lisa Knox Carver  
Notary Public

My commission expires: July 7, 2002

STATE OF Hawaii

COUNTY OF Mau

ss:

The foregoing Memorandum of Lease Agreement and Lease Supplement No. \_\_\_\_\_ was acknowledged before me, the undersigned Notary Public, in the County of Mau this 19<sup>th</sup> day of December, by Jade Skovsen, as President of DESTICON TRANSPORTATION, INC., as Lessee, on behalf of the Lessee.

[Notarial Seal]

L.S.

[Signature]  
Notary Public

My commission expires: 1/24/98

**SCHEDULE 1**

(Description of Equipment)

50 73' LONG, 286,000 lb. gross rail load center beam lumber cars.

Car Numbers: NOKL 733800 - 733849